

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GENEVIEVE S. POLICE

v.

**LAW OFFICE OF JOSEPH
ONWUTEAKA, PC, JOSEPH O.
ONWUTEAKA, individually, and
SAMARA PORTFOLIO
MANAGEMENT, LLC**

§
§
§
§
§
§
§
§
§

CASE NO. _____

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Genevieve S. Police, Plaintiff in the above-numbered and styled proceeding, complaining of and against Defendants Law Office of Joseph Onwuteaka, PC, Joseph O. Onwuteaka, and Samara Portfolio Management, LLC, and for causes of action would respectfully state the following:

I. Introduction

1. This action seeks redress for unlawful debt collection practices in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq (hereinafter "FDCPA"), and the Texas Deceptive Trade Practices Act, Tex. Bus. & Com. Code § 17.41 et seq. (hereinafter "DTPA"). Specifically, Plaintiff alleges that Law Offices of Joseph Onwuteaka, PC, and Joseph O. Onwuteaka filed actions to collect upon a consumer debt in distant forums in violation of 15 U.S.C. § 1692i, and that Defendant Samara Portfolio Management, LLC is similarly liable for distant forum abuse under Tex. Bus. & Com. Code §17.46(b)(23).

I. Jurisdiction and Venue

2. This Court has subject matter jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. §§1337 and 1367. Venue in this district is proper under 28 U.S.C. § 1391(b), because a substantial part of the events or omissions giving rise to the claims took place in this District.

II. Parties

3. Plaintiff Genevieve S. Police is an individual who resides in Houston, Fort Bend County, Texas.

4. Defendant Law Office of Joseph Onwuteaka, PC is a domestic professional corporation, and it may be served through its registered agent, Joseph Onwuteaka, at 7324 Southwest Fwy, Suite 310, Houston, Texas 77074.

5. Defendant Joseph O. Onwuteaka is an individual, an attorney licensed to practice law in the State of Texas, and a principal of the Law Office of Joseph Onwuteaka, PC. He may be served with process at 7324 Southwest Fwy, Suite 310, Houston, Texas 77074.

6. Defendant Samara Portfolio Management, LLC is a domestic limited liability company with authority to do business in Texas. It may be served through its registered agent Joseph Onwuteaka at 203 Kirkwood Court, Sugarland, Texas 77478. Samara purchased consumer debts in default and then seeks to collect such debts through the filing of lawsuits.

IV. Facts

7. On December 14, 2006, Ms. Police signed a promissory note to obtain a loan from First Bank & Trust of South Dakota primarily for personal, family, or household

purposes. The note was signed in Fort Bend County, Texas, and she has resided in Fort Bend County since entering the loan contract.

8. On September 29, 2010, Defendants Law Office of Joseph Onwuteaka, PC and Joseph O. Onwuteaka filed a lawsuit against Ms. Police in Harris County Justice of the Peace Court Precinct 1, Place 2 on behalf of Samara Portfolio Management, LLC (hereinafter "Samara"), seeking to recover a judgment for unpaid debt under the aforementioned loan contract, and requested issuance of citation for service in Fort Bend County, Texas. On September 29, 2010, the date the underlying suit was filed, Ms. Police was residing in Fort Bend County, Texas.

V. Claim for Relief under Fair Debt Collection Practices Act

9. Plaintiff incorporate paragraphs 1-8 above. Defendants are "debt collectors" as that term is defined in 15 U.S.C. § 1692a(6) in that 1) they are engaged in the collection of consumer debts using the mail and telephone, 2) the principal purpose of their business activities is the collection of consumer debts, and 3) they regularly collect or attempt to collect, directly or indirectly, consumer debts owed or due or asserted to be owed or due another. Defendants violated the FDCPA by filing suit to collect on consumer debt in a distant forum in violation of 15 U.S.C. § 1692i(a)(2).

10. As a result of this violation of the FDCPA, Defendants are liable to the Plaintiff for actual damages, statutory damages, and costs and attorney's fees.

VI. Claim for Relief under Texas Deceptive Trade Practices Act

11. Plaintiff incorporate paragraphs 1-8 above.

12. Defendant Samara violated the DTPA by filing suits to collect on consumer debts in a distant forum in violation of Tex. Bus. & Com. Code § 17.46(b)(23).

13. As a result of these violations of the DTPA, Defendant Samara is liable to Plaintiff for injunctive relief, restoration of money, and costs and attorney's fees.

WHEREFORE, Plaintiff prays that the Court grant the following relief on their behalf against Defendants:

- a. Injunctive relief against Defendant Samara to restrain violations of the DTPA under Tex. Bus. & Com Code § 17.50(b)(2);
- b. Restoration of money or property under Tex. Bus. & Com. Code § 17.50(b)(3);
- c. Other relief which the Court deems proper under Texas. Bus. & Com. Code § 17.50(b)(4), including an order declaring the default judgment void and/or unenforceable;
- d. Statutory damages, as provided for in 15 U.S.C. § 1692k(a)(2);
- e. Actual damages, as provided for in 15 U.S.C. § 1692k(a)(1);
- f. Attorney's fees, litigation expenses and costs, as provided in 15 U.S.C. § 1692k(a)(3) and Tex. Bus. & Com. Code § 17.50(d); and
- g. Such other and further relief as the Court deems appropriate.

Respectfully submitted,

LONE STAR LEGAL AID

/s/ Thai-Anh Nguyen
Richard Tomlinson
SBN. 20123500
Thai-Anh Nguyen
SBN. 24071116
1415 Fannin St., 3rd Floor
Houston, Texas 77002
Tel. (713) 652-0077, ext. 1151

Fax. (713) 652-3814

ATTORNEYS FOR PLAINTIFF
GENEVIEVE S. POLICE